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Attorneys for Defendant and Third Party Plaintiff
Stark Investment Company, a California
general partnership

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PALMTREE ACQUISITION
CORPORATION, a Delaware corporation,

Plaintiff,

vs.

MICHAEL R. NEELY, an individual; PERRY
J. NEELY, an individual; GARY NEELY, an
individual; MICHAEL R. NEELY, PERRY J.
NEELY and GARY NEELY dba MIKE'S ONE
HOUR CLEANERS; CHARLES FREDERICK
HARTZ dba PAUL'S SPARKLE CLEANERS;
CHARLES F. HARTZ, an individual;
MULTIMATIC CORPORATION, a New
Jersey corporation; WESTERN STATES
DESIGN, a California corporation;
MCCORDUCK PROPERTIES LIVERMORE,
LLC, a Delaware limited liability company
individually and as the successor to JOHN
MCCORMICK, KATHLEEN MCCORDUCK,
PAMELA MCCORDUCK, SANDRA
MCCORDUCK MARONA, and IMA
FINANCIAL CORPORATION, a California
corporation; STARK INVESTMENT
COMPANY, a California general partnership;
GRUBB & ELLIS REALTY INCOME
TRUST, LIQUIDATING TRUST, a California
trust; and DOES 1-20, inclusive,

Defendants.

Case No. CV 08 3168 MHP

**STIPULATION AND ~~[PROPOSED]~~
ORDER] CONTINUING CASE
MANAGEMENT CONFERENCE**

Hon. Marilyn H. Patel

Date: June 6, 2011

Time: 2:00 p.m.

Courtroom: 15, 18th floor

1 THE KIRRBURG CORPORATION, formerly
2 known as MULTIMATIC CORPORATION, a
3 New Jersey corporation; and STARK
INVESTMENT COMPANY, L.P., a California
limited partnership,

4 Third Party Plaintiffs,

5 v.

6 DOROTHY ANDERSON, Trustee of The
7 Anderson Marital Trust, dated February 28,
1979, as amended and restated August 31, 1994;
8 and DOROTHY ANDERSON, Trustee of The
Anderson Tax Deferral Trust, dated February
9 28, 1979, as amended and restated August 31,
1994,

10 Third Party Defendants.

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12
13 The parties who have appeared in the above-captioned action have met and conferred and
14 jointly submit the following Stipulation and Proposed Order continuing the Case Management
15 Conference currently scheduled for June 6, 2011 at 2:00 p.m. to a date in October that is available
16 on the Court's calendar.

17 1. The Plaintiff and Defendants, with the exception of Grubb & Ellis Realty Income
18 Trust, Liquidating Trust, ("Responding Parties") have been mediating this matter with Timothy
19 Gallagher, Esq., along with other potentially responsible parties, and are continuing to do so, while
20 simultaneously working cooperatively to respond to the Regional Water Quality Control Board's
21 ("RWQCB") directives.

22 2. At the last Case Management Conference on September 27, 2010, the Court
23 "administratively closed" the case, subject to the Parties' notice to put the case back on calendar.
24 The Third Amended Third Party Complaint was filed on March 21, 2011 against Third Party
25 Defendants Dorothy Anderson, Trustee of The Anderson Marital Trust, dated February 28, 1979,
26 as amended and restated August 31, 1994; and Dorothy Anderson, Trustee of The Anderson Tax
27 Deferral Trust, dated February 28, 1979, as amended and restated August 31, 1994. The deadline
28 for Third Party Defendants to respond is June 1, 2011.

3. Since the last Case Management Conference, the Responding Parties, through their various technical consultants, have implemented a work plan that the RWQCB had approved. On March 31, 2011, the Responding Parties submitted a Remedial Investigation report to the RWQCB containing a summary of their technical investigation of the site and proposed remedial alternatives. The RWQCB is currently reviewing the Responding Parties' report. In the meantime, the Responding Parties are requesting bids from contractors for the design and installation of remedial actions proposed in their report.

4. The Responding Parties are currently engaged in mediation with Mr. Gallagher to fund the recommended remedial actions. These sessions, which are presently underway, are scheduled through July 2011.

5. Therefore, to allow the Responding Parties to continue their informal negotiations between themselves with Mr. Gallagher, the Responding Parties stipulate that the case management conference currently scheduled for June 6, 2011 be continued to a date in October that is available on the Court's calendar.

DATED: May 26, 2011

Gonsalves & Kozachenko

By: /s/ Selena P. Ontiveros
Selena P. Ontiveros

Attorneys for Defendant & Third Party
Plaintiff Stark Investment Company, a
California general partnership

DATED: May 26, 2011

The Costa Law Firm

By: /s/ Daniel P. Costa
Daniel P. Costa

Attorneys for Defendant & Third Party
Plaintiff Stark Investment Company, a
California general partnership

1 DATED: May 26, 2011

Cox, Castle & Nicholson, LLP

2
3 By: /s/ Peter Morrisette
4 Peter Morrisette

5 Attorneys for Plaintiff
6 Palmtree Acquisition Corporation

7 DATED: May 26, 2011

Bassi, Edlin, Huie & Blum LLP

8 By: /s/ Noel Edlin
9 Noel Edlin

10 Attorneys for Defendants
11 Michael R. Neely, Perry J. Neely, and
12 Gary Neely, dba Mike's One Hour Cleaners

13 DATED: May 26, 2011

Dongell Lawrence Finney, LLP

14 By: /s/ Thomas A. Vandenburg
15 Thomas A. Vandenburg

16 Attorneys for Defendant & Third Party
17 Plaintiff The Kirrberg Corporation f/k/a
18 Multimatic Corporation

19 DATED: May 26, 2011

Rogers Joseph O'Donnell

20 By: /s/ Robert C. Goodman
21 Robert C. Goodman

22 Attorneys for Defendant Charles Frederick
23 Hartz, dba Paul's Sparkle Cleaners

1 DATED: May 26, 2011

Gordon, Watrous, Ryan, Langley, Bruno &
Paltenghi

2
3
4 By: /s/ Bruce C. Paltenghi
Bruce C. Paltenghi

5 Attorneys for Defendant McCorduck
6 Properties Livermore, LLC

7 DATED: May 26, 2011

Castellon & Funderburk LLP

8
9 By: /s/ Ruben A. Castellon
Ruben A. Castellon

10 Attorneys for Defendant McCorduck
11 Properties Livermore, LLC

12 DATED: May 26, 2011

Foley McIntosh Frey & Claytor

13
14 By: /s/ James D. Claytor
James D. Claytor

15 Attorneys for Defendant Western State Design

16
17 **ORDER**

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19 The Case Management Conference scheduled for June 6, 2011 at 2:00 p.m. is continued to
20 October 24, 2011 at 3:00 p.m. The Stipulation and Order entered by the Court on September 15,
21 2008 remains in effect, including the stay on discovery.

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23
24 Dated: 5/27/2011

